

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

TIMOTHY BLANKENSHIP

Plaintiff

v.

Civil Action No.: 2:04-0591

JO ANNE BARNHART,
Commissioner of Social Security

Defendant

MEMORANDUM ORDER AND OPINION

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Mary E. Stanley made pursuant to the provisions of 28 U.S.C.A. § 636(b)(1)(B) and entered on June 16, 2005, and having reviewed the record in this proceeding; and there being no objections filed by either plaintiff or defendant; it is accordingly ORDERED that:

1. The Proposed Findings and Recommendation of the magistrate judge be, and the same hereby are, adopted by the court;

2. The defendant's motion for judgment on the pleadings be, and it hereby is, denied;

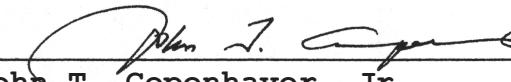
3. The plaintiff's motion for judgment on the pleadings be, and it hereby is, granted to the extent he seeks

remand and is otherwise denied; and

4. The decision of the Commissioner be, and the same hereby is, reversed and this cause is remanded to the Commissioner for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), which proceedings shall include consideration and analysis of all the relevant information pertinent to determining whether the plaintiff's medically determinable impairments resulted in a marked or extreme limitation in the domain of acquiring and using information, paying particular attention to the resolution of the stated inconsistencies in and a thorough evaluation of the evidence and, to the extent a determination hinges upon the rejection or acceptance of any portion of that evidence, setting forth the rationale for affording any such evidence greater or lesser weight, all as more fully set forth in the magistrate judge's Proposed Findings and Recommendation.

The clerk is directed to forward copies of this written opinion to all counsel of record and the United States Magistrate Judge.

DATED: July 6, 2005


John T. Copenhaver, Jr.
United States District Judge